UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,234	12/21/2004	Chua Chien Liang	2004-342	9708

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EXAMINER
KIM, TAE K

ART UNIT	PAPER NUMBER
2153	

NOTIFICATION DATE	DELIVERY MODE
09/04/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)
	10/519,234	LIANG, CHUA CHIEN
	Examiner	Art Unit
	TAE K. KIM	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 May 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15, 29-31* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-15, 29-31* is/are rejected.
7)☒ Claim(s) *30* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

This is in response to the Applicant's response filed on May 6, 2008. Claims 1 –

15 and 29 - 31, where Claims 1, 29, and 30 are in independent form, are presented for

examination.

Claim Objections

Applicant has failed to respond to the claim objection of <u>Claim 30</u>. Examiner

maintains his objection to Claim 30 since it is identical to Claim 29.

Response to Arguments

Applicant's arguments filed on May 6, 2008 have been fully considered but they

are not persuasive. Applicant argued:

a) Regarding <u>Claims 1, 14, 29, and 30</u>, Saito does not disclose of a "method

to generate a group of entities from a plurality of participating entities."

b) Regarding <u>Claims 1, 14, 29, and 30</u>, Saito does not disclose of "one of

said participating entities expressing by indication which others of said

participating entities they wish to meet."

c) Regarding <u>Claims 1, 14, 29, and 30</u>, Saito does not disclose of "selecting

to the a first member of the group an entity which has indicated at least

one other of said participating entities it wishes to meet."

d) Regarding <u>Claims 1, 14, 29, and 30</u>, Saito does not disclose of "adding a

new entity to the group by selecting said new entity from the set of

indications of the last member added to the said group."

e)   Regarding Claim 2, Saito does not disclose that "the set of indications of

an entity are the set of other entities that said entity indicated it is

interested in meeting."

f)   Regarding Claim 15, it is not well known to one skilled in the art at the time

of the invention, in view of Saito, that "members of a group or community

can be corporations or a combination of corporations and people."

Additionally, Applicant suggests that the "key element that differentiates

the Applicant's claimed method from the reasoning of a skilled person in

the art is that the formation of the group of entities comprises corporation

or a combination of corporations and people is actually for serving specific

business or personal interest and not for the dissemination of corporate

knowledge or expertise to be utilized by others."

g)   Regarding Claim 3, Saito, in view of Mortensen, does not disclose of

"adding new members until at least one indication of the set of indications

of the last new member added to said group includes one of the current

members of the group."

Additionally, Applicant argues that Saito and Mortensen are not relevant to

each other and cannot be combined as being obvious.

h)   Regarding Claims 4, 7, and 13, Saito, in view of Danso, does not disclose

of "using a look ahead method of choosing which one of the set of

indications to choose from the last new member where the look ahead
consist of N generations."

i)   Regarding <u>Claim 12</u>, Saito, in view of Khayatan, does not disclose that
          "the entities under consideration are already pre-selected for in terms of
          having already indicated a common time and common place to meet."

j)   Regarding <u>Claims 5, 6, 8, 9, 10, and 11</u>, Saito, in view of Danso, in further
          view of what is commonly known in the art, did not teach the claimed
          limitations.

          Additionally, Applicant suggests that the rejection was inadvertently
          omitted.

Examiner respectfully disagrees with applicant's assertions.

1.   With regards to a), Applicant argues the limitation "method to generate a group of
entities from a plurality of participating entities" should be based on an interpretation in
view of the Applicant's specification (notably Pg. 2, Lines 1-2 and Pg. 3 Lines 17-18).

          First, the Applicant is reminded that although the claims are interpreted in light of
the specification, limitations from the specification are not read into the claims. See *In
re Van Geuns*, 988 F.2d 1181, 26 USPTQ2d 1057 (Fed. Cir. 1993). The claim
language does not limit the claim in such a way to only be interpreted as suggested by
the Applicant.

          Secondly, the examiner points out that the pending claims must be "given the
broadest reasonable interpretation consistent with the specification" [In re Prater, 162

USPQ 541 (CCPA 1969)] and "consistent with the interpretation that those skilled in the art would reach" [In re Cortright, 49 USPQ2d 1464 (Fed. Cir. 1999)].

Additionally, upon taking the broadest reasonable interpretation of the claims, each entity is a participant by having installed the application software on the computer allowing the system to perform the desired function of establishing the logical path network [Figs. 1 – 5; Col. 3, Lines 45-49]. In conclusion, the cited reference teaches all of the claimed limitations. See the prior art rejections below which clearly discuss how the prior art reads on the presented claims.

2.   With regards to b), Applicant argues the limitation where "one of said participating entities expressing by indication which others of said participating entities they wish to meet" should be based the interpretation based on an interpretation in view of the Applicant's specification (notably Pg. 2, Line 22 and Pg. 3 Lines 1-2).

The Applicant's argument is unpersuasive based upon the same reasoning as disclosed in Part 1 above.

Additionally, upon taking the broadest reasonable interpretation of the claims, Saito [see Col. 4, Line 34 – Col. 5, Line 62] discloses that one of said participating entities (user A) expressing by indication which other of said participating entities (creates a message and registers the message on the message database on other users on the network on specific subjects) that they wish to meet (that user A is interested in communicating with). In conclusion, the cited reference teaches all of the claimed limitations. See the prior art rejections below which clearly discuss how the prior art reads on the presented claims.

3.   With regards to c), Applicant argues the limitation where "selecting to be a first

member of the group an entity which has indicated at least one other of said

participating entities it wishes to meet" should be based on an interpretation in view of

the Applicant's specification (notably Pg. 3, Lines 13-15).

        The Applicant's argument is unpersuasive based upon the same reasoning as

disclosed in Part 1 above.

        Additionally, upon taking the broadest reasonable interpretation of the claims,

Saito [see Col. 4, Line 34 – Col. 5, Line 62] discloses of selecting to be a first member

of the group (user B decides to communicate with user A, forming a network

community) an entity which has indicated at least one other of said participating entities

it wishes to meet (user B decides to message user A based on an interest in a common

subject). In conclusion, the cited reference teaches all of the claimed limitations. See

the prior art rejections below which clearly discuss how the prior art reads on the

presented claims.

4.   With regards to d), Applicant argues the limitation where "adding a new entity to

the group by selecting said new entity from the set of indications of the last member

added to the said group" should be based on an interpretation in view of the Applicant's

specification.

        The Applicant's argument is unpersuasive based upon the same reasoning as

disclosed in Part 1 above.

        Additionally, upon taking the broadest reasonable interpretation of the claims,

Saito [see Col. 6, Lines 13-38] discloses of adding a new entity to the group by selecting

said new entity (user B can also transmit the same message to users D and E) from the

set of indications of the last member added to the said group (users D and E who are

also interested in the same subject as user A). In conclusion, the cited reference

teaches all of the claimed limitations. See the prior art rejections below which clearly

discuss how the prior art reads on the presented claims.

5.   With regards to e), Applicant argues the limitation where "the set of indications of

an entity are the set of other entities that said entity indicated it is interested in meeting"

should be based on an interpretation in view of the Applicant's specification.

The Applicant's argument is unpersuasive based upon the same reasoning as

disclosed in Part 1 above.

Additionally, upon taking the broadest reasonable interpretation of the claims,

Saito [see Col. 6, Lines 13-38] discloses that the set of indications of an entity are the

set of other entities that said entity indicated it is interested in meeting (user B can also

transmit the same message to users D and E who are also interested in the same

subject as user A).

6.   With regards to f), Applicant has challenged the Examiner's assertions of well

known subject matter in the previous Office action(s) pursuant to the requirements set

forth under MPEP §2144.03.

Accordingly, see U.S. Appl. 2002/0023090 [Fig. 7; Para. 0002], where it is shown

that an entity that joins a group or community can be corporation. The prior art above

supports that the rejection was properly based upon common knowledge and traverses

the Applicant's argument above according to MPEP §2144.03(C).

Additionally, Applicant's argument that the limitation where "the key element that differentiates the Applicant's method" should be based on an interpretation in view of the Applicant's specification (notably Pg. 6, Lines 3-7) is unpersuasive based upon the same reasoning as disclosed in Part 1 above.

Furthermore, Applicant's argument regarding "the key element that differentiates the Applicant's method" is also found in the primary reference Saito [Col. 7, Lines 24-32]. When the network community space is formed, the common subject is related to a specific business, such as being able to execute applications for electronic commerce. Therefore, the network community is for "serving a specific business interest."

7.   With regards to g), Applicant argues the limitation where "adding new members until at least one indication of the set of indications of the last new member added to said group includes one of the current members of the group" should be based on an interpretation in view of the Applicant's specification (notably Pg. 3, Lines 19-22).

The Applicant's argument is unpersuasive based upon the same reasoning as disclosed in Part 1 above.

Furthermore, Saito discloses that the network communities being created consist of logical paths created between the plurality of computers [Col. 3, Line 40 - Col. 4, Line 33]. These computers are essentially connection nodes between each the users of the computers [Fig. 1]. Also, the concept of the network community is visualized by grouping "nodes" based on common interests which are all connected by these logical paths [Fig. 7]. Mortensen discloses of a method of grouping nodal paths into a path set for testing purposes [Para. 0013]. The method indicated groups nodal path sets and

such a method of creating nodal path sets can also be used to group computers when they are also considered as communication "nodes" as indicated in Saito.

8.   With regards to h), Applicant argues the limitation where " using a look ahead method of choosing which one of the set of indications to choose from the last new member where the look ahead consist of N generations" should be based on an interpretation in view of the Applicant's specification (notably Pg. 3, Lines 23-24, Pg. 4, Lines 14-17).

The Applicant's argument is unpersuasive based upon the same reasoning as disclosed in Part 1 above.

9.   With regards to i), Applicant argues that the limitation "the entities under consideration are already pre-selected for in terms of having already indicated a common time and common place to meet" is contrary to the teachings of Mortensen and therefore, it is clearly not obvious in light of the teachings of Khayatan.

Foremost, the combined arts are Saito and Khayatan, not Mortensen and Khayatan. There is no reference to Saito regarding what is contrary to combine the teachings of Khayatan. Also, Khayatan discloses of pre-selecting a common place [Para. 0077; geographic scope] and common time [Para. 0080; when the user indicates what time period they are interested in, the appropriate events or activities for the group are displayed to the group member].

10.   With regards to j), Applicant does not dispute the rejection stated in Pg. 7-8 of the prior action. Examiner did not omit prior art rejections to the stated claims as seen by the prior action.

Additionally, any argument that can be made by the application is unpersuasive

based upon the same reasoning as disclosed in Part 1 above. The prior art argument

has been clarified below without any additional references.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 1, 2, 14, 29 and 30 are rejected under 35 U.S.C. 102(e) as being

unpatentable over U.S. Patent 6,643,681, invented by Takayuki Saito et al.

(hereinafter "Saito")

11.   Regarding <u>Claims 1, 14, 29, and 30</u>, Saito discloses a system and method to

generate a group of entities from a plurality of participating entities [Figs. 1 – 5; Col. 3,

Lines 45-49; each entity is a participant by having installed the application software on

the computer allowing the system to perform the desired function of establishing the

logical path network] comprising:

one of said participating entities expressing by indication which others of said

participating entities they wish to meet [Col. 4, Line 34 – Col. 5, Line 62; user A (one of

said participating entities) creates a message and registers the message on the

message database on other users on the network on specific subjects (expressing by

indication which other of said participating entities) that user A is interested in

communicating with (that they wish to meet)];

selecting to be a first member of the group an entity which has indicated at least

one other of said participating entities it wishes to meet [Col. 4, Line 34 – Col. 5, Line

62; selecting to be a first member of the group (user B decides to communicate with user A, forming a network community) an entity which has indicated at least one other of said participating entities it wishes to meet (user B decides to message user A based on an interest in a common subject)];

adding a new entity to the group by selecting said new entity from the set of indications of the last member added to said group [Col. 6, Lines 13-38; adding a new entity to the group by selecting said new entity (user B can also transmit the same message to users D and E) from the set of indications of the last member added to the said group (users D and E who are also interested in the same subject as user A)].

12.   Regarding Claim 2, Saito discloses all the limitations of Claim 1. Saito further discloses that the set of indications of an entity are the set of other entities that said entity indicated it is interested in meeting [Col. 6, Lines 13-38; the set of indications of an entity are the set of other entities that said entity indicated it is interested in meeting (user B can also transmit the same message to users D and E who are also interested in the same subject as user A)].

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito.

13.   Regarding <u>Claim 15</u>, Saito discloses all the limitations of Claim 1. Saito does not

specifically disclose that the entities are corporations or a combination of corporations

and people.

It is well known to one skilled in the art at the time of the invention that members

of a group or community can be corporations or a combination of corporations and

people. Corporations are business entities that cannot perform any functions unless

done through the acts of the people that represent and/or control the corporation. It

would be obvious to one skilled in the art to allow corporations to communicate within

the network community to exchange information that may be related to commerce done

through various corporations. Doing so would allow corporate knowledge or expertise

to be utilized by other corporations and to people.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito,

in view of U.S. App. 2003/0208727 A1 filed by Michael Peter Mortensen

(hereinafter referenced as "Mortensen").

14.   Regarding <u>Claim 3</u>, Saito discloses all the limitation of Claim 1 as stated above.

However, it does not specifically disclose of a grouping system comprising of repeatedly

adding new members until at least one indication of the set of indications of the last new

member added to said group includes one of the current members of the group.

Mortensen discloses of a method, apparatus, and a computer-readable medium

enabling a computer to perform such method of grouping failed paths of an integrated

circuit design into failed path sets [Para. 0001, 0013]. If such node pattern (converted

failing path) is already part of the node pattern set and no further node patterns are

remaining, the grouping of failed paths into the failed path set is completed [Fig. 5; Para. 0046 – 0048]. It is also disclosed that not all failing paths need to be considered due to the large amount of data [Para. 0013]. It is obvious to one skilled in the art that the verification of whether an entry to a group has already been entered into the group to eliminate the redundancy of having duplicate entries of that entity. Furthermore, this method can be modified to eliminate the requirement to check for other entries once the first redundant entry is found since continuing to sort through all possible paths would take up large amounts resources [Para. 0013 and 0014]. This would allow an engineer to check each individually grouped failed path created once one repeated failed path is found to the engineer can begin on repairing the failed path. In regard to group formation, this would allow the members of the group to begin working on a project or communicating after a repeated entity is found to quickly begin the task the group was created for.

Claims 4, 7, 13, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito, in view of U.S. Appl. 2003/0167344 A1 filed by M. Abdulai Danso (hereinafter referenced as "Danso").

15.   Regarding Claims 4, 7, 13, and 31, Saito discloses all the limitation of Claims 1 and 30 as stated above. However, it does not specifically disclose of using a look ahead or look back method of choosing which one of the set of indications to choose from the last new member where the look ahead or look back consists of N generations.

Danso discloses of a method of organizing a multifunctional communications system beginning at a central entity and expanding further in a pyramidal structure,

where the first entity connects with a first group of entities and the entities of the first group each are connected to other entities [Para. 0003; Fig. 1]. Danso further discloses of the system where there is a predetermined number of communication levels from the central node and therefore allowing the system to validate the communication path to the last node [Para. 0015; Fig. 2]. This system and method allows a user to look at the network beginning at a certain node and determine which interlinking nodes to select to form a closed loop, or in the case of the current application a group of entities expressing interest in meeting the other [Para. 0015]. This system will also allow a user to look at the last node to be included in the group and traced backwards to the beginning. It is obvious to one skilled in the art to validate the communication path from the initial node to the final node of the group though the interlinking nodes in-between them. The predetermined number of levels or entities [Para. 0032] to be included in the group can be used to prevent the formation of very large groups and to minimize the use of available resources. The look back and look forward will allow any user or entity to quickly determine which groups the user-selected nodes or entities are in since not all the requested entities will have the same interests.

16.   Regarding Claims 5, 6, 8, 9, 10, and 11, Saito, in view of Danso, discloses all the limitations of Claims 1, 4, and 7 as stated above. Danso further discloses of creating groups consisting of members from a prior set of affiliated entities [Para. 0015]. Saito or Danso does not specifically disclose that a group formed with N generations will consist of a new member and all the entities from the prior generation (N – 1).

It is well known in the art that a group formed with N generations will consist of a new member and all the entities from the prior generation (N − 1) particularly within the communication and networking environments disclosed in Saito and Danso. Likewise, it is also well known in the art that the formation of such a group, which traces through interconnected entities or nodes where there is a limit on the number entities or nodes within a communication group, can combine both look forward and look back approaches to find the one entity that closes the network loop and completes the group. Again, using the look back and look forward feature will allow any user or entity to quickly determine which groups the user-selected nodes or entities are in. Furthermore, if one particular entity is one that was commonly traced with either the look back, look forward, or combined functions, it satisfies the Danso criteria of creating the group.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito, in view of Application 2002/0141560 A1, filed by Media Khayatan and Anders Isven (hereinafter referenced as "Khayatan").

17.   Regarding <u>Claim 12</u>, Saito discloses all the limitation of Claim 1 as stated above. Saito does not specifically disclose that the entities under consideration are already pre-selected for in terms of having already indicated a common time and a common place to meet.

Khayatan discloses that the entities under consideration are already pre-selected for in terms of having already indicated a common time [Para. 0080; allows individuals to indicate what time period periods they are interested in] and a common place to meet [Para. 0077; determine what geographical scope the group will have]. It would have

been obvious to one skilled in the art at the time the application was filed to use

common time and common place to meet to be considered to determine if one entity is

viable as a group member. This would allow location and time of specific meetings to

be incorporated within the group formation, which are essential to certain group

activities.

<div align="center">***Conclusion***</div>

Examiner's Note: Examiner has cited particular figures, columns, line numbers,

and/or paragraphs in the references applied to the claims above for the convenience of

the applicant. Although the specified citations are representative of the teachings of the

art and are applied to specific limitations within the individual claim, other passages and

figures may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully

requested to indicate the portion(s) of the specification which dicate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds

of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae K. Kim, whose telephone number is (571) 270-1979. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess, can be reached on (571) 272-3949. The fax phone number for submitting all Official communications is (703) 872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the examiner at (571) 270-2979.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Tae K. Kim/
/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153